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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) | No. CR 14-71256 MAG                       |
|                           | ) |   |
| Plaintiff,                | ) | STIPULATION AND <del>PROPOSED</del> ORDER |
|                           | ) | CONTINUING ARRAIGNMENT AND                |
| v.                        | ) | EXCLUDING TIME UNDER FEDERAL RULE OF      |
|                           | ) | CRIMINAL PROCEDURE 5.1 AND THE SPEEDY     |
| SERGIO VARGAS,            | ) | TRIAL ACT                                 |
|                           | ) |   |
|                           | ) |   |
| Defendant.                | ) |   |
|                           | ) |   |
|                           | ) |   |

The undersigned parties respectfully request that the arraignment scheduled for January 29, 2015 be continued to March 5, 2015. The defendant resides in Woodland, California, and the parties are exploring the possibility of a Rule 20 transfer to the Eastern District of California. In order for the case to be transferred, the defendant must agree to enter a guilty plea and the United States Attorney for the Eastern District of California must accept the case. Therefore, the parties need additional time to reach a disposition of the case, and obtain the consent of the United States Attorney in the Eastern District of California to transfer the case. The parties also request an exclusion under Rule 5(c) and (d) of the Federal Rules of Criminal Procedure and the Speedy Trial Act. The parties agree and stipulate that an exclusion of time under both Rule 5.1 and the Speedy Trial Act from January 29, 2015 to March 5, 2015

STIPULATION AND [PROPOSED] ORDER  
CR 14-71256 KAW

1 is appropriate based on the parties need to determine if the case can be resolved. In addition, AFPD  
2 Beevers needs time to review the discovery, conduct his investigation, and consult with the defendant.  
3 18 U.S.C. §§ 3161(b) and 3161(h)(7)(B)(iv).

4 SO STIPULATED:

5 DATED: January 27, 2015

MELINDA HAAG  
United States Attorney  
/s/  
SUSAN KNIGHT  
Assistant United States Attorney

8 DATED: January 27, 2015

9  
10 /s/  
DOUGLAS J. BEEVERS  
Assistant Federal Public Defender  
Counsel for Mr. Vargas

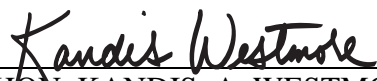
11  
12  
13 **ORDER**

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the arraignment scheduled  
15 for January 29, 2015 is continued to March 5, 2015 at 9:30 a.m.

16 The Court FURTHER ORDERS time be excluded under Rule 5.1(c) and (d) in order for the parties  
17 to explore a pre-indictment resolution. The Court also excludes time under the Speedy Trial Act from  
18 January 29, 2015 through March 5, 2015. The Court finds, based on the aforementioned reasons, that the  
19 ends of justice served by granting the requested continuance outweigh the best interest of the public and  
20 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense  
21 counsel reasonable time necessary for effective preparation, taking into account the exercise of due  
22 diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion  
23 of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

24 SO ORDERED.

25 DATED: 1/28/15

26   
HON. KANDIS A. WESTMORE  
United States Magistrate Judge